

**THIRTY-SIXTH DAY**

(Monday, March 17, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Spears
Graves	Stone
Hill	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Hazlewood Isbell

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 13, 1941, was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Isbell was granted leave of absence for today on account of important business, on motion of Senator Cotten.

Senator Hazlewood was granted leave of absence for today on account of important business, on motion of Senator Winfield.

**Senate Bills and Joint Resolutions on First Reading**

The following bills and joint resolutions were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Beck:

S. B. No. 348, A bill to be entitled "An Act constituting the owner of any former prison land sold under Section 7, Chapter 67 of the Acts of 1930, Forty-first Legislature, the agent of the State for certain pur-

poses; authorizing the owner of said land to sell or lease the minerals that may be thereon or therein; providing for and securing to the State of Texas its share of the proceeds thereof."

To Committee on Public Lands and Land Office.

By Senator Winfield:

S. B. No. 349, A bill to be entitled "An Act repealing H. B. No. 430, Acts of the Regular Session of the Forty-sixth Legislature, same being Article 7466f, Vernon's Civil Statutes of Texas; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Mauritz:

S. B. No. 350, A bill to be entitled "An Act to permit the use of convicts as guards in the Texas Prison System at the discretion of the Prison Board; and declaring an emergency."

To Committee on Penitentiaries.

By Senator Smith (by request):

S. B. No. 351, A bill to be entitled "An Act amending subdivision 1 of Chapter 2 of Title 86 of the Revised Civil Statutes of 1925; providing for a board of examiners of land surveyors; providing for the organization of said board; defining the duties of said board; providing for examinations to be given by said board; providing for licensed land surveyor's seal; defining the term of surveyor's license; providing for the revocation of surveyor's license in certain cases and the resignation of Licensees; providing for surveyor's oath and bond; providing that no license shall be issued to a non-resident; defining the authority of surveyors licensed hereunder; providing for the recordation of field notes by licensed land surveyors; defining the duty of licensed land surveyors in regard to undisclosed land; defining the compensation of licensed land surveyors; defining who shall make certified copies and certificates of fact from the records of the county surveyor's office; providing for disposal of fees collected by said board; providing that no person shall be authorized to perform the duties of a licensed land surveyor without first standing and passing the examination provided for herein and obtaining a license; and declaring an emergency."

To Committee on State Affairs.

By Senator Smith (by request):

S. B. No. 352, A bill to be entitled "An Act appropriating the sum of fifteen thousand (\$15,000.00) Dollars for the purchase of the birthplace of General Sam Houston, near Lexington, Virginia; and declaring an emergency."

To Committee on Finance.

By Senator Spears (by request):

S. B. No. 353, A bill to be entitled "An Act to amend Sections 10 and 11 of Article 8306, Title 130 of the Revised Civil Statutes of 1925, commonly known and referred to as the Workmen's Compensation Act, providing the amount of compensation and that an employee shall receive as much as and not in excess of four hundred and one weeks compensation for total incapacity as a result of the injury resulting in incapacity; and further providing for the method and amount of compensation in case of partial incapacity as a result of the injury for as much as and not more than three hundred weeks and providing for compensation for total and partial incapacity for as much as and not more than four hundred and one weeks; and declaring an emergency."

To Committee on Labor.

By Senator Spears (by request):

S. B. No. 354, A bill to be entitled "An Act to amend H. B. No. 205, Chapter 213, Page 417, General and Special Laws, Acts of the Forty-fifth Legislature, Regular Session (1937), also known and designated as Article 2815g-1a, of the Revised Civil Statutes of 1925, pertaining to salaries of the County Board of School Trustees in certain counties; providing that Articles 2815a, 2815b, 2815c, 2815d, 2815e, 2815f, 2815g, and 2815g-1 shall not apply or be applicable to counties of more than two hundred and ninety thousand (290,000) and less than three hundred and fifty thousand (350,000) population, according to the last preceding Federal Census; providing that in such counties that members of the County Board of School Trustees of such counties shall receive Five (\$5.00) Dollars per day for their services in attending meetings, inspecting schools and performing the duties imposed by law; providing that such amount shall be paid

out of the general fund of the county; and declaring an emergency."

To Committee on Education.

By Senator Stone:

S. B. No. 355, A bill to be entitled "An Act amending Section 1 and Section 2 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, as amended by H. B. No. 216 of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

To Committee on State Affairs.

By Senator Stone:

S. B. No. 356, A bill to be entitled "An Act to amend Section 1 of Article 4032a of the Penal Code of the State of Texas, the same being Chapter 227, Section 1, page 381, Acts of the Forty-second Legislature, so as to provide means by which the soldiers stationed in Texas under the National Defense Act, and others may be permitted to enjoy fishing in salt water without the payment of non-resident fishing license and artificial lure license; and declaring an emergency."

To Committee on Game and Fish.

By Senator Stone:

S. B. No. 357, A bill to be entitled "An Act to regulate or prohibit the operation of commercial motor vehicles with certain exceptions, during certain periods of time and providing a penalty for the violation thereof; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Stone:

S. B. No. 358, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925, as amended by S. B. No. 101, Chapter 7, of the Forty-fifth Legislature, Regular Session, by providing that in counties having a population in excess of seventy-five thousand (75,000) inhabitants according to the last preceding or any future Federal Census, the commissioners' court may allow each jail guard, jailer, matron or turnkey, a monthly salary of One Hundred Fifty (\$150.00) Dollars per month; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Ramsey:

S. B. No. 359, A bill to be entitled "An Act amending Article 667-10 of the Penal Code of the State of Texas, as amended Acts 1937, Forty-fifth Legislature, page 1053, Chapter 448, Section 49, relating to prohibiting the sale of beer during certain hours; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Fain:

S. B. No. 360, A bill to be entitled "An Act amending Article 2960, Revised Civil Statutes of Texas, 1925, so as to include disabled veterans of foreign wars who are 40% disabled; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Fain:

S. B. No. 361, A bill to be entitled "An Act amending Article 2959, Revised Civil Statutes of Texas, 1925, so as to include disabled veterans of foreign wars who are 40% disabled; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Fain:

S. B. No. 362, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than six hundred and forty (640), nor less than six hundred and thirty (630), according to the 1940-1941 scholastic census; and declaring an emergency."

To Committee on State Affairs.

By Senator Fain:

S. B. No. 363, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than eight hundred and forty (840), nor less than eight hundred and thirty (830), according to the 1940-1941 scholastic census; and declaring an emergency."

To Committee on State Affairs.

By Senator Shivers:

S. B. No. 364, A bill to be entitled "An Act to be known as Article 962a of the Revised Civil Statutes of the State of Texas of 1925; providing the manner and terms for selling or trad-

ing real estate or interest therein or personal property of a city or town; specifying that such property shall be sold or traded for all cash or its equivalent in value of other property, or for not less than one-third cash or its equivalent in value of other property, and the balance payable in cash to be secured by a vendor's lien on such real estate or interest therein; providing that default of payment of principal or interest shall mature the whole debt; that such property shall be sold or traded on competitive bids; that the primary governing body shall have the right to reject any or all bids; that such sales or trades shall be authorized by majority vote of the whole personnel of the city council, board of alderman, or other primary governing body, or the city or town, and order therefor entered in the minutes of such governing body; that deeds for real estate or interest therein and bills of sale for personal property shall be signed and acknowledged by the mayor; that if personal property be sold for part credit, the vendee shall then execute a chattel mortgage to the city or town to secure the payment of the balance of the consideration; that after the competitive bids have been examined by the primary governing body, each proposed sale or trade shall be advertised by three notices describing the property proposed to be sold or traded and the conditions, date, time and place of such places in the city or town; that such notices shall be signed by the mayor or city secretary; providing that unless all provisions of this Act are complied with any sale or trade of such property shall be illegal and void; that any mayor, city councilman, alderman, or other member of the primary governing body, who violates any of the provisions of this Act will be guilty of a misdemeanor, and specifying penalties; that penal complaint may be made by any resident tax payer of the city or town affected by such violation against any violator of any provision of this Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Shivers:

S. B. No. 365, A bill to be entitled "An Act to be known as Article 1577a of the Revised Civil Statutes of the State of Texas of 1925; provid-

ing the manner and terms for selling or trading real estate or interests therein or personal property of a county; specifying that such property shall be sold or traded for all cash or its equivalent in value of other property, or for not less than one-third cash or its equivalent in value of other property, and the payment of the balance in cash to be secured by vendor's lien on such real estate or interests therein; providing that default of payment or principal or interest shall mature the whole debt; that such property shall be sold or traded on competitive bids; that the commissioners court or sale commissioner shall have the right to reject any or all bids; that such sales or trades shall be authorized by majority vote of the whole personnel of the commissioners court, and order therefor entered in the minutes of said court; that deeds for real estate or interests therein shall be signed and acknowledged by the county judge or by the Sale Commissioner appointed by the commissioners' court, and the seal of the court impressed thereon, attested by the county clerk; that bills of sale for personal property shall be signed and acknowledged by the county judge; that if personal property is sold or traded for part credit the vendee shall then execute a chattel mortgage on such property to the county to secure the payment of the balance of the consideration; that after the competitive bids have been examined by the commissioners' court or sale commissioner, each proposed sale or trade of property of a county shall be advertised by three (3) notices describing the property and conditions, date, time and place of sale or trade of the property proposed to be sold or traded, posted at three (3) designated public places in the county; that such notice shall be signed by the county clerk, and the seal of the court impressed thereon; providing that unless all provisions of this Act are complied with, any such sale or trade of such property shall be illegal and void; that any county judge, or county commissioner, or sale commission, who violates any of the provisions of this Act will be guilty of a misdemeanor, and specifying penalties; that penal complaint may be made by any resident tax payer of the county affected by such violation against any violator of any provision of this Act; that the district

court of such county shall have original jurisdiction to try such offenses; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Spears (by request):

S. B. No. 366, A bill to be entitled "An Act to amend Section 14, Article 666, of the Revised Civil Statutes of Texas providing for appeals from an order of the Liquor Control Board or Administrator refusing, cancelling or suspending a permit or license, providing that appeals may be taken to the district court of the county in which the aggrieved licensee or permittee or the owner of involved real or personal property may reside and that in all other suits against the board venue shall be in Travis County, Texas, and providing further that all such proceedings on appeal shall be de novo and the issues tried out de novo; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Graves:

S. B. No. 367, A bill to be entitled "An Act to amend Section 12 of H. B. No. 821, Chapter 462, page 1144, Regular Session of the Forty-fifth Legislature, as amended by H. B. No. 102, Chapter 41, page 1924, Second Called Session of the Forty-fifth Legislature, as amended by H. B. No. 834, Chapter 1, page 427, Regular Session of the Forty-sixth Legislature, and to add thereto eight (8) new sections to be known as Sections 23a, 23b, 23c, 23d, 23e, 23f, 23g, 23h; to authorize housing authorities to acquire by the exercise of the power of eminent domain any interest in real property; to create housing authorities for counties; to provide for the creation of regional housing authorities; to define the area of operation and powers of regional housing authorities; to authorize the undertaking of housing projects for farmers of low income; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Graves:

S. B. No. 368, A bill to be entitled "An Act amending Sections 1, 2, 3, 4, and 9 of Acts 1931, Chapter 177, S. B. No. 383, Forty-second Legisla-

ture, Regular Session, and Section 6 of said Acts, 1931, Chapter 177 as amended by H. B. No. 1016, Chapter 490, Acts of the Forty-fifth Legislature, by changing, residence requirements of petitioner, and redefining venue; prescribing duties of the Division of Child Welfare, State Department of Public Welfare, or its designated agent or representative, in respect to investigation for the courts in adoption proceedings; providing method of designating agents or representatives of said division; providing generally for uniform minimum standards of investigation and reporting for all courts; providing that statistical reports shall be made to said division; prescribing conditions and specifying method of waiving six (6) months residence of child in home of petitioner; providing for minimum and maximum time for investigation and report prior to time of hearing; requiring court approval of the consent for adoption where under certain circumstances custody of child has been transferred by the court; providing that in the discretion of the court a release to a licensed agency or institution authorizing placement for adoption be valid consent to adoption in a particular proceeding; making all evidences of consent to adoption part of the records of the court; providing manner of inheriting of adopted child from adopting parents and kin; deleting provision for inheritance by an adopted child from its natural parents; providing for change of name; and time of taking effect."

To Committee on Civil Jurisprudence.

By Senator Graves:

S. B. No. 369, A bill to be entitled "An Act to amend Section 1 of Chapter 88, page 189, Special Laws, Forty-second Legislature, Regular Session, 1931, (Article 5138a, Revised Civil Statutes of Texas) to empower and authorize counties having a population of not less than three hundred and ninety thousand (390,000), and not more than five hundred thousand (500,000), according to the last preceding Federal Census, and containing a city having a population of not less than two hundred and ninety thousand (290,000) and not more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, jointly with such city to establish, own and operate a pa-

rental home and school for the training of dependent and delinquent youth resident of that county or city; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Graves:

S. B. No. 370, A bill to be entitled "An Act providing that it shall be unlawful to take or kill a roadrunner; providing a suitable penalty and declaring an emergency."

To Committee on Game and Fish.

By Senator Metcalfe (by request):

S. B. No. 371, A bill to be entitled "An Act creating the McCulloch County Flood Control District in McCulloch County, Texas, and defining its powers; designating the commissioners' court as the governing body of such district and defining the powers of such court in connection therewith; providing for the filing of a petition for the issuance of bonds, notice of hearing thereon, for an election therefor, and the procedure; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, and approval thereof; defining the duties of the various officials of McCulloch County; providing that state laws applicable to contracts and accounting for funds shall apply to such district; making the Act cumulative of other laws; providing for the use of public property by such district; granting the right of eminent domain; providing laws relating to assessing and collecting State and county current and delinquent taxes shall apply to said district; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Metcalfe:

S. B. No. 372, A bill to be entitled "An Act declaring the floods in McCulloch County, Texas, to be a public calamity; donating and granting by the State of Texas to the McCulloch County Flood Control District of McCulloch County, Texas, for a period of twenty (20) years all State ad valorem taxes collected in McCulloch

County, Texas, for general revenue purposes and providing the uses to which such taxes, when so donated and granted, may be put; providing that State laws applicable to contracts and accounting for funds shall apply to such district; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; and declaring an emergency."

To Committee on State Affairs.

By Senator Moore:

S. B. No. 373, A bill to be entitled "An Act providing that it shall be unlawful to take, kill, or attempt to take, or kill any prairie chickens in this State until September 1, 1946; providing a penalty; and declaring an emergency."

To Committee on Game and Fish.

By Senator Moore:

S. B. No. 374, A bill to be entitled "An Act authorizing county and district attorneys and criminal district attorneys to file and prosecute suits on behalf of taxing entities for the recovery of funds misapplied, misappropriated or unlawfully expended; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Cotten:

S. B. No. 375, A bill to be entitled "An Act to amend article 6044 of the Revised Civil Statutes of the State of Texas, 1925 in such a manner as to require monthly verified reports and to make the verified monthly reports of common carrier pipe line companies open to public inspection and declaring an emergency and providing the Act shall take effect from and after its passage."

To Committee on State Affairs.

By Senator Cotten:

S. B. No. 376, A bill to be entitled "An Act supplemental to and amending Article 6341, Revised Civil Statutes of Texas, 1925, relating to the powers of railroad corporations, enlarging their charter powers, and empowering them to transport persons, property, goods, wares, merchandise, mail and any valuable thing by highway; repealing all laws or parts of laws in conflict; providing if any part is declared unconstitutional such decision shall not affect the remainder

of the Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Cotten (by request):

S. B. No. 377, A bill to be entitled "An Act providing that all school buses shall be painted in the colors red, white and blue, in a distinctive design as herein described; providing for adequate signs on such buses and specifying the size thereof; providing that it shall be unlawful for any vehicle other than a school bus to travel on the public highways painted in the design described herein for school buses, and providing a penalty therefor; providing that all school buses now in use shall be painted according to the design herein prescribed prior to September 1, 1942; providing that all school buses purchased after the effective date of this Act, and all buses, otherwise owned, contracted for to transport school children after the effective date of this Act, shall be required to be painted according to the design herein described; prohibiting the transportation of school children in any vehicle not so painted; and declaring an emergency."

To Committee on Education.

By Senator Kelley:

S. B. No. 378, A bill to be entitled "An Act providing a more efficient road law and creating a more efficient road system for Webb County, Texas, and empowering the commissioners' court of said county to provide and adopt rules, regulations, plans and system for the acquisition, construction, purchase, improvement, maintenance, operation and repair of the roads and bridges of said county; providing for and vesting certain authority, powers and duties upon the commissioners' court and other county officers of said county in relation to the road and bridge affairs of said county; providing for the acquisition, construction, improvement, purchase, maintenance, operation and repair of the roads and bridges of said county, and authorizing and empowering said court to make contracts therefor and to provide for payment thereof; validating all orders, acts, and proceedings had for the road maintenance tax election held in said county; providing for the exercise of eminent domain, and the acquisition and occupancy of lands and other prop-

erty for the roads and bridges of said county by condemnation and making it optional for Webb County to proceed to condemn land and property under the railroad condemnation statute or to act under the General Law relative to opening public roads by jury of view; regulating and providing for application and permit for constructing, moving or relocating pipe lines, telegraph, telephone and power transmission lines or other public utility upon, under or across roads and bridges of said county, and providing penalties for violation thereof; providing for opening, widening, relocating and otherwise modifying the roads and bridges of said county, and regulating the moving, removal and relocation of pipe lines, telegraph, telephone and power transmission lines or other public utility upon, under and across roads and bridges of said county, and providing penalties for violation thereof; providing for drainage of roads of said county, prohibiting the obstruction, alteration, diversion or change of storm and surface waters in such manner as to cause damage to the roads and bridges of said county, and providing penalties and for recovery of damages, costs and expense incurred for violation thereof; prohibiting the damage, defacement, injury to or obstruction of roads and bridges of said county, and providing penalties, liability and for recovery of damages, costs and expense incurred, for violation thereof; etc and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Van Zandt:

S. B. No. 379, A bill to be entitled "An Act regulating commissions and renewal contracts of agents with life insurance companies doing business in Texas whose books and records are not located in Texas; providing that commissions and renewal contracts are non-forfeitable by insuror; providing for liability for insuror in certain cases and declaring an emergency."

To Committee on Insurance.

By Senator Van Zandt:

S. B. No. 380, A bill to be entitled "An Act to amend Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session as amended by Chapter 24 of the General Laws of the Second Called Ses-

sion thereof, and as amended by Chapter 277 of the General Laws of the State of Texas, Regular Session, Forty-second Legislature, being Article 911b, Revised Civil Statutes of the State of Texas, 1925, so as to require the granting by the railroad commission of certificates of public convenience and necessity for the operation of motor vehicles for the transportation of property for compensation or hire over the public highways of the State between and serving cities, towns and villages which are connected by and served by the railroad involved in the application, and between cities, towns, and villages located on or served by any railroad, provided such cities, towns and villages shall be within the normal territory of the railroad involved in the application, upon the filing of applications therefor and notice and hearing thereof to railroads operating in this State, to companies other than railroad companies, the majority of whose stock is owned by railroad companies operating in this State, to companies other than railroad companies, the majority of whose stock is owned by a company which also owns the majority of the stock of a railroad company operating in this State; and providing for the form of application to be filed for such certificate, for notice and hearing thereof; and providing the conditions under which such certificates may be sold, assigned, leased or transferred; and providing further for the issuance of writs of mandamus to compel the railroad commission to issue such certificates upon compliance with the terms and conditions of the Act; and providing that if any part of the Act is declared unconstitutional such decision shall not affect the remainder of the Act and repealing all laws or parts of laws in conflict and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Van Zandt:

S. B. No. 381, A bill to be entitled "An Act to regulate and, under some conditions prohibit the transportation of inflammable liquids and explosives over the public highways of this State by motor vehicle; declaring the policy of the State of Texas with respect to such transportation; defining the terms 'inflammable liquids', 'explosives', 'public highway' and 'commis-



sion'; providing that it shall be unlawful for any person, firm, association, partnership, receiver or trustee to engage in the business of transporting inflammable liquids and explosives without having obtained a permit from the State Highway Commission of Texas; providing that it shall be the duty of the commission to grant such permits upon the filing of the applications required; prescribing the things and matters to be contained in said application; providing for the payment of the fee for the issuance of such permit; providing for creation of a fund designated as the State Highway Permit Fund; providing for the payment of salaries and expenses of such additional employees as are required; and making it unlawful for any person to transport such commodities in excess of and in quantities greater than those prescribed herein; and making it the duty of the highway commission to administer the terms of this Act and to call upon the license and weight inspectors of the Department of Public Safety to inspect equipment and drivers of those persons to whom such permits shall have been issued; appropriating funds to pay salaries and expenses for additional employees; providing a penalty and repealing all laws in conflict herewith; providing that if any part of the Act is declared unconstitutional such decision shall not affect the remainder of the Act and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Van Zandt:

S. B. No. 382, A bill to be entitled "An Act amending Article 199 of the Revised Civil Statutes of 1925 as amended; relating to the allocation of districts courts to the various counties of the State; apportioning said courts to such counties; abolishing certain district courts; re-organizing and re-arranging certain other district courts; providing for the terms to be held therein; providing for the validating of processes, bonds and recognizances, etc., within such districts; providing for certain duties of district judges and district clerks; providing for concurrent jurisdiction in certain cases; providing for the transfer of cases and docketing thereof; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Van Zandt:

S. B. No. 383, A bill to be entitled "An Act providing for the establishment of an adequate modern, comprehensive, uniform financial record and accounting system for the Public School System of Texas, providing for the preparation of necessary forms, blanks, records, and reports to carry out terms of this Act, providing that all schools shall be subject to provisions of this Act, providing that the State Superintendent and his staff see to the execution of this law and to formulate rules and regulations for compliance of this law."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 384, A bill to be entitled "An Act providing for certificating teachers to teach in the public schools and junior colleges of Texas providing the manner of issuing such certificates, giving certain authority to the State Superintendent of Public Instruction and the State Board of Education, providing the requirements for the issuance of said certificates, fixing the types of certificates, providing for the renewal and extension of certificates, repealing all laws or parts of laws in conflict with the provisions of this Act, providing that if any Section of this Act is held unconstitutional it shall not affect the other Sections hereof; and declaring an emergency."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 385, A bill to be entitled "An Act amending Article 2655 (Acts 1905, page 263), relative to election of State Superintendent of Public Instruction."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 386, A bill to be entitled "An Act providing a uniform Child Accounting System for the School System of the State of Texas, providing a joint committee to prepare the necessary forms and other procedures and the appointment of said committee, providing main uniform items and information that shall be included in required forms and blanks essential to the operation of the system, repealing all laws or parts of laws in conflict, and declaring time Act shall go into effect."

To Committee on Education.



By Senator Van Zandt:

S. B. No. 387, A bill to be entitled "An Act amending Article 2675b-1 (Acts 1929, Forty-first Legislature, Second Called Session, page 12, Chapter 10, Section 1), relative to State Board of Education Membership."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 388, A bill to be entitled "An Act known as the Teacher Tenure Act for Texas, defining teacher tenure, teacher and Board of Education; providing for the probationary period to entitle a teacher to the benefit of the Act and fixing the conditions of such probationary period; stating causes by which teachers may be dismissed or suspended from service and determining the procedure in case of dismissal or suspension of teachers; providing that school districts, where the Board of Education has not conformed with the requirements of this Act, shall not participate in any portion of the State Public School Funds; making certain miscellaneous provisions for the protection of teachers in case of illness, for leave of absence of teachers, allowing salary reduction in case of lack of funds and providing that the Act shall not interfere with the right of the Board of Education to reduce the number of teachers where such reduction is brought about by natural causes such as a decrease in average daily attendance, elimination of departments, consolidation of schools or the reorganization of same, and providing that, where such reduction in the number of teachers is made, the manner in which preference shall be given to the teachers employed and also the manner of filling vacancies; providing that if any provision of this Act shall be held unconstitutional it shall not affect the other provisions; and declaring an emergency."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 389, A bill to be entitled "An Act authorizing the State Superintendent of Public Instruction and/or his duly appointed assistants in the State Department of Education to fix and control the school curriculum in all public schools in Texas which are supported in whole or in part by funds provided by the State of Texas and which are within the lawful jurisdiction of the State Superintendent of Public Instruction and repealing all

laws or parts of laws which are in conflict with this Act."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 390, A bill to be entitled "An Act providing for the reorganization of the school districts within a county by the vote of the people upon plans submitted by a conference of school boards within the county or in their failure to agree by the State Department of Education; and providing for the combination of any two or more independent districts into one or more districts; validating all counties now operating as county units; and providing for the organization of all counties with fewer than five hundred (500) scholastics into one district, and abolishing the office of county superintendent, ex officio superintendent, and county school boards, and providing for the election of school boards and superintendent in the reorganized school districts, defining responsibilities and duties of same, repealing all laws in conflict with the provisions of this Act; and declaring an emergency."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 391, A bill to be entitled "An Act defining the State Department of Education, defining the nature of the functions of the State Board of Education and the State Superintendent of Public Instruction, defining scholastic population, a minimum program of education, and the State Available School Fund, providing that school funds shall be provided from both local and State sources, making it the duty of the Legislature to provide funds for a minimum program of education, making it the duty of the State Department of Education to ascertain amount of State aid needed and to certify said amount to the Automatic Tax Board and to set the apportionment to the several districts, fixing the amount of money to be raised by local districts in order to get State aid, declaring the rights of local districts to levy taxes, providing State aid for transportation of pupils and special aid for small districts, providing for counting average daily attendance in districts receiving pupils from closed schools in other districts, authorizing State Department of Education to determine percentage

of need State can pay, ability of local districts to pay, to define a minimum economical teaching unit, and a minimum economical attendance unit, prescribing that local districts shall submit budgets to the State Department of Education for approval, and shall submit maps of the districts to support the budgets, requiring the State Department of Education to require a financial accounting by local districts, and to propose record forms, and provide for checking, classifying, making uniform, and publishing the financial accounting of the local districts, repealing laws pertaining to the scholastic census, repealing all laws or parts of laws in conflict with the provisions of this Act, providing that if any Section of this Act is held unconstitutional it shall not affect the other Sections hereof; and declaring an emergency."

To Committee on Education.

By Senator Winfield:

S. B. No. 392, A bill to be entitled "An Act to amend Section 4 of S. B. No. 165, Chapter 165, regulating foreign and domestic corporations, enacted at the Regular Session of the Forty-second Legislature, Acts of 1931, as amended (Acts 1937) of the Forty-fifth Legislature in S. B. No. 235, as amended (Acts of 1939) of the Forty-sixth Legislature, Regular Session, in S. B. No. 265."

To Committee on Banking.

By Senator Van Zandt:

S. B. No. 393, A bill to be entitled "An Act regulating college entrance requirements in all colleges and universities supported in whole or in part by funds of the State of Texas."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 394, A bill to be entitled "An Act revising Article 7043 (7351), Acts Forty-sixth Legislature, Regular Session, 1939, providing for the setting of the ad valorem tax rate, providing for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

To Committee on State Affairs.

By Senator Van Zandt:

S. B. No. 395, A bill to be entitled "An Act creating in the State of Texas a school of technical aeronautics and engineering to be known as

"Texas State School of Aeronautics and Engineering." Providing for the establishment thereof; providing for the maintenance therefor; providing for the government thereof; and declaring an emergency."

To Committee on Finance.

By Senator Isbell:

S. B. No. 396, A bill to be entitled "An Act amending Article 2789 of the Revised Civil Statutes of the State of Texas, relating to the refunding of bonds issued by any town or village incorporated for free school purposes only, or any common, independent, or consolidated common, or consolidated independent county line, or consolidated county line or rural high school district; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senators Lovelady and Graves:

S. B. No. 397, A bill to be entitled "An Act repealing Chapter 241, Acts of the Forty-first Legislature, and Chapter 21, Acts of the Second Called Session of the Forty-third Legislature, regulating boxing and wrestling matches, and substituting therefor the provisions of this Act; providing that the promoting and conducting of fistic combats or wrestling matches, for remuneration, with or without admission charges, shall be lawful in this State, except on Sunday, when supervised by the Commissioner of Athletics as hereinafter provided; providing that there shall be a Commissioner of Athletics, appointed by and under the supervision of the Secretary of State, who shall have full power to promulgate rules for the regulation of such contests as are herein described; defining the terms used in this Act and setting forth restrictions with regard to such contests; providing for an appeal from rulings of the Commissioner; providing special exceptions and making special regulations with regard to such contests when conducted by schools, the National Guard, and/or amateur organizations; providing for the collection and allocation of fees as hereinafter named in this Act, and for the employment of necessary help by the Commissioner, out of funds derived from such fees; defining a promoter; prescribing violations of the provisions of this Act and fixing the penalties therefor; providing for the licensing of promoters, officials and partici-

pants in such contests; providing license fees to be paid by promoters, officials and participants; providing that a bond shall be furnished by the promoter of such contests; providing for an admission tax of five (5%) per cent of the admission price for any such contest, and for the remission thereof to the State Comptroller; providing for the proper inspection of the buildings in which such contests are to be held; providing that if any Section, sentence or clause in this Act be held unconstitutional, the remainder of the Act shall not be invalidated thereby; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on State Affairs.

By Senator Moffett:

S. B. No. 398, A bill to be entitled "An Act amending Section 1 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, as amended by H. B. No. 216, Acts of the Forty-seventh Legislature, Regular Session, by removing therefrom the restriction, limiting the land, which a city may purchase for airport purposes, to tracts of land within the county in which such city is situated; and providing that a city may acquire land by purchase, providing same be located within twelve miles of the corporate limits of such city, irrespective of whether the said land shall be within or without the boundaries of the county in which such city is located; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Graves:

S. B. No. 399, A bill to be entitled "An Act to amend Section 5 of Chapter 400, page 1589, H. B. No. 18, General and Special Laws, First Called Session, Forty-fourth Legislature, 1936, so as to exempt religious book stores from the tax therein provided; and declaring an emergency."

To Committee on State Affairs.

By Senator Fain:

S. J. R. No. 12, Proposing an amendment to Section 1, Article VIII of the Constitution by adding a new Section to be known as Section 1-b, providing for a Five Thousand (\$5,000.00) Dollar exemption of the assessed taxable value of all property

owned by disabled veterans of foreign wars; providing for the necessary publication and election; and making an appropriation to pay for same.

To Committee on Constitutional Amendments.

By Senator Fain:

S. J. R. No. 13, Proposing an amendment to Section 11, Article IV of the Constitution: Giving the Governor of the State the power to grant reprieves, commutations of punishment and pardons; requiring him to file his reasons therefor with the Secretary of State; providing for the necessary publication and election; making an appropriation to pay for same.

To Committee on Constitutional Amendments.

By Senator Van Zandt:

S. J. R. No. 14, Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-eighth Congress of the United States of America, at the First Session, which amendment empowers the Congress to limit, regulate and prohibit the labor of persons under eighteen years of age.

To Committee on Constitutional Amendments.

By Senator Stone:

S. J. R. No. 15, Proposing an amendment to Section 9 of Article 8 of the Constitution of the State of Texas, by providing that counties may levy, assess and collect for county purposes the unneeded and unused part of the maximum tax rate now authorized by law to pay jurors and for the erection of public buildings, streets, sewers, water works and other permanent improvements; providing that this Section shall not be construed as a limitation on powers delegated to counties by any other Section of this Constitution; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment; making certain provisions for said election and ballots thereof, and the method thereof, directing the issuance of proclamation therefor; prescribing certain duties of the Governor of the State of Texas; and making an appropriation to defray the expenses of said election.

To Committee on Constitutional Amendments.

By Senator Vick:

S. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court of nine members, and providing the Governor may fill any vacancy until the next general election, and providing that two members of the present Commission of Appeals shall serve until the first general election, and two until the second general election, and two until the third general election, as members of the Supreme Court.

To Committee on Constitutional Amendments.

By Senator Moore:

S. J. R. No. 17, Proposing an amendment to Article V of the Constitution of Texas by providing that the Legislature shall have the power, by local or general law, in counties having a population in excess of two hundred and fifty thousand (250,000) inhabitants to create other courts having exclusive jurisdiction or concurrent jurisdiction with the county court in civil, criminal or probate matters; fixing the time for an election therefor; prescribing the form of ballot; providing for a proclamation of such election and the advertisement thereof; and making an appropriation therefor.

To Committee on Constitutional Amendments.

#### Bill and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following bill and resolutions:

H. B. No. 648, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred Thousand (\$200,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

H. C. R. No. 45, Authorizing C. O. Kieffer to sue the State.

H. C. R. No. 57, Inviting the Honorable Wendell L. Willkie to address a joint session of the Texas Legislature.

H. C. R. No. 63, In memory of Hon. Raglin Jones.

H. C. R. No. 65, Providing for a joint session for the purpose of hearing Governor W. Lee O'Daniel on March 13, 1941 at 12:00 o'clock noon.

#### Advance Printing of Senate Bill 44

On motion of Senator Spears, and by unanimous consent, S. B. No. 44 was ordered printed in advance of its consideration in committee.

#### Motion to Reconsider Vote on Committee Substitute House Bill 19 Tabled Subject to Call

Senator Lanning moved to reconsider the vote by which C. S. H. B. No. 19 was passed on Thursday, March 13, 1941, and asked to have the motion to reconsider spread upon the Journal.

Senator Fain called up the motion to reconsider for consideration at this time and moved to table the motion.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas—9

Beck	Lovelady
Chadick	Stone
Cotten	Sulak
Fain	Van Zandt
Lemens	

#### Nays—19

Aikin	Moffett
Brownlee	Moore
Formby	Ramsey
Graves	Smith
Hill	Spears
Kelley	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

#### Absent

Shivers

#### Absent—Excused

Hazlewood	Isbell
-----------	--------

Question—Shall the motion to reconsider prevail?

Senator Moore moved to table the motion to reconsider subject to call.

The motion prevailed unanimously.

#### Senate Bill 182 Recommitted

Senator Kelley moved that S. B. No. 182 be recommitted to the Committee on Public Health.

Senator Sulak moved to table the motion to recommit.

The motion to table was lost.

The motion to recommit prevailed.

#### Senate Bill 184 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 184 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 184, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each district court, criminal district court, and county court-at-law, of Bexar County; providing the qualifications; providing for the salary of each of said official court reporters and for the manner of payment of said salary, and out of what fund; providing for transcript fees; declaring this Act to be a special Act, notices thereof having been duly published and exhibited as required by law; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 184 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 184 be placed on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—29

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Spears
Graves	Stone
Hill	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

##### Absent—Excused

Hazlewood	Isbell
-----------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

##### Yeas—29

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Spears
Graves	Stone
Hill	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

##### Absent—Excused

Hazlewood	Isbell
-----------	--------

#### Reference of House Concurrent Resolutions

The following resolutions, previously received from the House, were laid before the Senate, read severally, and referred to the committee indicated.

H. C. R. No. 60, to Committee on Public Buildings and Grounds.

H. C. R. No. 61, to Committee on Public Buildings and Grounds.

H. C. R. No. 62, to Committee on Public Buildings and Grounds.

H. C. R. No. 51, to Committee on State Affairs.

#### House Concurrent Resolutions 60, 61 and 62

On motion of Senator Cotten and by unanimous consent, House Concurrent Resolutions Nos. 60, 61, and 62, authorizing the Highway Department to lend guard wire, were recalled severally from the committee to which they were referred and were severally adopted.

#### Senate Bill 11 on Passage to Engrossment

The President laid before the Senate, as the unfinished business on its passage to engrossment (the bill having been read second time on Monday, March 10, 1941):

S. B. No. 11, A bill to be entitled "An Act providing for the licensing

of certain insurance agents, providing for two classes of insurance agents; defining the two classes of insurance agents; defining 'local recording agents,' defining 'solicitor' providing the manner in which a local recording agent shall make application to the Board of Insurance Commissioners for a license to operate, etc."

Question—Shall the bill be passed to engrossment?

(President Pro Tempore Cotten in the Chair.)

Senator Martin offered the following amendments to the bill:

(1)

Amend S. B. No. 11, page 6 of the printed bill, Section 18, by inserting in line 40 after the word "Texas," the following: "or in any district court in the county of the applicant's residence."

(2)

Amend S. B. No. 11, page 6, by striking out all of subsection (b) of Section 20, appearing in the printed bill, and inserting in lieu thereof the following:

"(b) Any actual attorney in fact and its actual traveling salaried representative as to business transacted through such attorney in fact or salaried representative of any reciprocal exchange or inter-insurance exchange admitted to do business in Texas."

The amendments were adopted severally.

Senator Stone offered the following amendment to the bill:

Amend S. B. No. 11, Section 2, by inserting between lines 27 and 28 on page 3 of the printed bill a new paragraph to read as follows:

"Nothing contained in this Act shall be so construed as to affect or apply to orders, societies, or associations which admit to membership only persons engaged in one or more crafts or hazardous occupations in the same or similar lines of business, and the ladies' societies, or ladies' auxiliary to such orders, societies or associations, or any secretary of a labor union or organization, or any secretary or agent of any fraternal benefit society."

STONE,  
LEMENS.

Senator Van Zandt offered the following substitute for the amendment:

Amend S. B. No. 11, Section 2, by inserting between lines 27 and 28 on page 3 of the printed bill a new paragraph to read as follows:

"Nothing contained in this Act shall be so construed as to affect or apply to orders, societies, or associations which admit to membership only persons engaged in one or more crafts or hazardous occupations in the same or similar lines of business, and the ladies' societies, or ladies' auxiliary to such orders, societies or associations, or any secretary of a labor union or organization, or any secretary or agent of any fraternal benefit society, which does not operate at a profit."

The substitute was adopted.

Senator Stone moved to reconsider the vote by which the substitute was adopted.

Senator Van Zandt moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15

Aikin	Martin
Beck	Mauritz
Fain	Ramsey
Graves	Shivers
Hill	Van Zandt
Kelley	Winfield
Lanning	York
Lovelady	

Nays—12

Brownlee	Moffett
Chadick	Smith
Cotten	Stone
Formby	Sulak
Lemens	Vick
Metcalfe	Weinert

Absent

Moore	Spears
-------	--------

Absent—Excused

Hazlewood	Isbell
-----------	--------

Question recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was adopted by the following vote:

Yeas—26

Aikin	Brownlee
Beck	Chadick

Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hill	Shivers
Kelley	Smith
Lanning	Spears
Lemens	Sulak
Lovelady	Van Zandt
Martin	Winfield
Mauritz	York

Nays—2

Stone Weinert

Absent

Vick

Absent—Excused

Hazlewood Isbell

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 11, page 7, line 8, by adding at the end of Section 21 the following:

"The number of employees and the salaries of each shall be as fixed in the biennial departmental appropriation bill."

AIKIN,  
LEMENS.

Question—Shall the amendment be adopted?

#### Hour for Executive Session Set

On motion of Senator Martin and by unanimous consent, the Senate agreed to hold an executive session at 11:00 o'clock a. m. tomorrow.

#### Reports of Standing Committees

Senator Shivers, by unanimous consent, submitted at this time the following reports:

Senate Chamber,  
Austin, Texas,  
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

S. B. No. 299, A bill to be entitled "An Act granting fresh water supply districts heretofore or hereafter created in counties having a population in excess of five hundred thousand (500,000) inhabitants, according to the last preceding or any future Federal

Census, additional powers relating to sanitary sewer systems, fire fighting facilities and equipment, the paying of rewards in connection with convictions on charges of arson, and providing for the manner of paying for the improvements therein authorized; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Senate Chamber,  
Austin, Texas,  
March 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

S. B. No. 300, A bill to be entitled "An Act amending Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature of Texas, as amended, by adding a new Section, to be known as Section 3b, authorizing water control and improvement districts heretofore and hereafter created in counties having a population in excess of five hundred thousand (500,000) inhabitants, according to the last preceding or any future Federal Census to acquire, purchase, own and operate fire fighting facilities and equipment, to maintain and operate a fire department, to employ a fire marshal and other employees, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
March 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 312, A bill to be entitled "An Act creating the office of criminal district attorney in all counties having a population of not less than one hundred two thousand (102,000) nor more than one hundred ten thou-



sand (110,000), and in which counties there are one or more judicial districts, and in which the county attorney performs the duties of county attorney and district attorney, and in which there is not now a district attorney; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Kelley, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 81, A bill to be entitled "An Act authorizing the boards of school trustees of independent school districts and county boards of school trustees to employ visiting teachers and school psychologists, setting forth qualifications of visiting teachers and school psychologists, prescribing their duties, defining their status, and prescribing how they should be paid; providing a saving clause, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 280, A bill to be entitled "An Act authorizing any school district having an indebtedness in excess of six (6%) per cent of its assessed valuation in which is located a school building which shall have been condemned by certain authorities, to levy a tax of not to exceed seventy-five (75c) cents on the One Hundred (\$100.00) Dollars, valuation for the purchase, construction, repair or equipment of school buildings and the

payment of principal and interest on bonds issued for such purpose; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 178, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes, 1925, pertaining to the salaries of elective county superintendents and to office and traveling expenses; providing for salaries of county superintendents in counties having not more than eight thousand (8,000) scholastic population under certain conditions; providing for assistants to the county superintendent; providing for rural supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act and repealing all general laws in conflict herewith except such general laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the committee substitute be adopted and be printed in lieu of the original bill.

KELLEY, Chairman.

#### Senate Concurrent Resolution No. 32

Senator Ramsey, by unanimous consent, offered the following resolution at this time:

S. C. R. No. 32, Authorizing Bob Millard to sue the State.

Whereas, Bob Millard, of Nacogdoches County, Texas, has filed suit against Nacogdoches County for damages for the construction under and by the authority of the State of Texas, the State Highway Department, and Nacogdoches County for a certain right-of-way on old highway number 35, now designated as 59,

north of said Nacogdoches in said county, in which he alleges that he executed a right-of-way deed to the State of Texas; and

Whereas, The said Bob Millard alleges by virtue of the construction of said highway and overpass in connection therewith, his property was damaged and that by virtue of said deed the State of Texas, the State Highway Department and Nacogdoches County are liable to him for damages; and

Whereas, The said Bib Millard is desirous of determining the liability of the State of Texas, the State Highway Department and Nacogdoches County, Texas through the courts of this State; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the said Bob Millard be, and he is hereby authorized to file suit against the State Highway Department, the State of Texas in the District Court of Nacogdoches County, Texas, to determine the damages, if any, he is entitled to recover; and that in the event said suit is filed, service of citation, or other necessary process shall be upon the chairman of the Highway Commission and the Attorney General of the State of Texas, and that said case shall be tried as all other civil cases reserving to either party the right of appeal and if final judgment is rendered against the State of Texas, and/or the State Highway Department, the State Highway Commission is hereby authorized and empowered to pay same out of the State Highway fund and there is hereby appropriated out of State Highway funds not otherwise appropriated a sufficient amount to pay said final judgment, if any which might be recovered by the said Bob Millard; and in the event said Bob Millard has already filed suit against said Nacogdoches County, he shall have the right under leave of the court to make said State of Texas and the State Highway Department parties to said suit; and be it further

Resolved, That this resolution is in no manner an admission of any liability but is for the sole and only purpose of giving the authority and consent to sue the State of Texas and the State Highway Department and to make said State of Texas and the State Highway Department parties de-

fendants to any cause of action, if any, heretofore filed by said Bob Millard against Nacogdoches County.

The resolution was read and was referred to the Committee on State Affairs.

#### Senate Resolution 62

Senator Winfield, by unanimous consent, offered at this time the following resolution:

Whereas, In the year A. D. 389, there was born a great religious character, known as St. Patrick; and

Whereas, The Saints feast is celebrated on March 17 each year; and

Whereas, It has become a custom in this country annually to pay homage to this great man; and

Whereas, On this the 17th day of March; be it

Resolved by the Senate of Texas, That we pay homage to this great religious Saint; and

Whereas, One of our own colleagues being of Irish descent, and gifted with a splendid tenor voice; therefore, be it further

Resolved, That Senator Jesse Martin be asked to sing "When Irish Eyes Are Smiling."

KELLEY,  
WINFIELD,  
FORMBY,  
SMITH,  
STONE,  
CHADICK.

The resolution was read, and by unanimous consent, it was considered at this time.

The resolution was adopted.

Senator Martin then sang "When Irish Eyes Are Smiling."

#### Senate Concurrent Resolution 33

Senator Shivers, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 33, Authorizing Highway Department to lend guard wire to Port Neches Independent School District.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Jefferson County, and adjacent counties, and in that area; and

Whereas, The Port Neches School District of Jefferson County anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said school district to fence the grounds where said athletic events will be held; and

Whereas, It will be a great accommodation to said school district if the State Highway Department were permitted to loan said district the discarded wire hereinabove mentioned for the purpose of fencing grounds; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of the Port Neches School District sufficient quantities of discarded wire hereinabove mentioned for the purposes hereinabove set out, said school board to return such wire upon request of the State Highway Department; and it is so resolved.

The resolution was read, and on motion of Senator Shivers and by unanimous consent, it was considered and adopted at this time.

#### Adjournment

On motion of Senator Moore, the Senate at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

### THIRTY-SEVENTH DAY

(Tuesday, March 18, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Senate Resolution 63

Senator Aikin offered the following resolution:

Be It Resolved by the Senate of Texas That:

The Lieutenant Governor shall appoint a committee of three members to prepare from time to time a calendar for local and non-contested bills. No bills containing appropriations or creating any new departments or subdivisions of departments shall be placed on such calendar. (This provision shall not apply to purely local bills or where the expenditure is not paid out of State funds.)

The calendar shall be prepared and placed on the desks of the members at least six (6) hours before any such session.

On the objection of any three members, no bill on such calendar shall be considered at any such session.

It is hereby declared to be the intention of the Senate that no bills be considered at any such session which have not been placed on such calendar by the committee.

The resolution was read, and by unanimous consent, it was considered at this time.

The resolution was adopted.

#### Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following messages:

Hall of the House of Representatives,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 69, Expressing regret at the death of the Honorable R. M. (Bob) Johnson.

H. C. R. No. 70, Asking the Board of Control to retain R. L. Nichols in his same or a similar position.